

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

RocSoft, Inc.; and RocNet, Inc.,)	C/A No. 3:04-23003-CMC-JRM
)	
Plaintiffs,)	
)	
v.)	ORDER AND OPINION
)	
BellSouth Telecommunications, Inc.; and)	
BellSouth, Net., Inc.,)	
)	
Defendants.)	
)	

This matter is before the court on a *pro se* civil action filed by corporate plaintiffs through a private citizen, Jack Hatfield. In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b) and (d), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation. The Magistrate Judge issued a Report recommending that this complaint be dismissed without prejudice and without service of process because corporations must be represented by counsel and Mr. Hatfield is not admitted to practice as an attorney and does not have standing to bring suit on behalf of other persons or entities, including corporations in which he might have some ownership interest. The Magistrate Judge advised Plaintiffs of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if they failed to do so. Plaintiffs have filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which

a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has reviewed the record and the Report and Recommendation of the Magistrate Judge. The court agrees with the Magistrate Judge and hereby adopts the Report and Recommendation and incorporates it into this order. Accordingly, it is hereby

ORDERED that this action is *dismissed without prejudice and without issuance and service of process.*

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 28, 2005

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